

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

*County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*

Case No. 1:18-OP-45090

*The County of Cuyahoga v. Purdue Pharma
L.P., et al.*

Case No. 17-OP-45004

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**NOTICE OF SERVICE OF DEFENDANTS' MEMORANDUM IN OPPOSITION TO
TRACK ONE PLAINTIFFS' MOTION FOR PARTIAL SUMMARY ADJUDICATION
OF THEIR EQUITABLE CLAIMS FOR ABATEMENT OF AN ABSOLUTE PUBLIC
NUISANCE**

Pursuant to the Directions Regarding Filing of Briefs Under Seal, ECF No. 1719, Defendants hereby provide notice that on July 31, 2019, they served unredacted copies of the following documents on all Parties, the Court, and the Special Masters:

- Defendants' Memorandum in Opposition to Track One Plaintiffs' Motion for Partial Summary Adjudication of Their Equitable Claims for Abatement of an Absolute Public Nuisance ("Defendants' Opposition Brief").
- Declaration of Donna M. Welch in Support of Defendants' Opposition Brief, along with corresponding Exhibit 1.
- Summary Sheet for Defendants' Opposition Brief (also attached hereto as Exhibit A).

Dated: July 31, 2019

Respectfully submitted,

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¹ Teva Pharmaceutical Industries Ltd., Allergan plc f/k/a Actavis plc, and Mallinckrodt plc are respectively an Israeli corporation, Irish holding company, and Irish company that are not subject to and contest personal jurisdiction for the reasons explained in their pending motions to dismiss for lack of personal jurisdiction; along with H. D. Smith Holdings, LLC and H. D. Smith Holding Company (who have had a personal jurisdiction-based motion to dismiss pending since October 2, 2018, without opposition), they are specially appearing to join this Opposition as a result of the Court's deadline to file oppositions to dispositive and *Daubert* motions, and, thus, they do not waive and expressly preserve their pending personal jurisdiction challenges.

In the Complaints, Plaintiffs lump Defendant Noramco, Inc. ("Noramco") together with Johnson & Johnson and its other affiliated entities, all Marketing Defendants, or all Defendants collectively. For this reason, Noramco joins this opposition even though it never manufactured, packaged, branded, marketed, promoted, distributed or sold the finished drug products that are at issue in this litigation. Indeed, Noramco is an active pharmaceutical ingredient supplier, and not a finished drug product manufacturer. As such there is no evidence that Noramco, an active pharmaceutical ingredient supplier, engaged in any wrongful conduct that might give rise to liability (See Noramco's Memorandum in Support of Motion for Judgment on the Pleadings Or, in the Alternative, Summary Judgment, Dkt. 1902-1), let alone conduct that could impose liability under a theory of public nuisance.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31th day of July 2019, the foregoing was served upon all counsel of record via email.

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